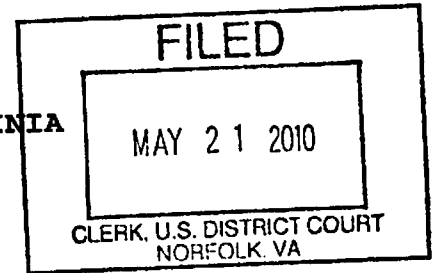


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



GEORGE JONATHAN GATLIN, #364625

Petitioner,

v.

ACTION NO. 2:09cv509

GENE M. JOHNSON, Director of the  
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions for voluntary manslaughter and use of a firearm in the commission of a murder on May 11, 2006, in the Circuit Court for the City of Virginia Beach, as a result of which he was sentenced to serve thirteen years in the Virginia penal system.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed April 16, 2010, recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On April 29, 2010 the Court received

petitioner's Objections to the Report and Recommendation.


The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed April 16, 2010. It is, therefore, ORDERED that the petition be DENIED and DISMISSED. It is further ORDERED that respondent's Motion to Dismiss is GRANTED.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.

/s/  
Rebecca Beach Smith   
United States District Judge  
**REBECCA BEACH SMITH**  
**UNITED STATES DISTRICT JUDGE**

Norfolk, Virginia  
MAY 21, 2010